

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRANDON J. WEATHERS,

Petitioner,

vs.

SCOTT FRAKES,

Respondent.

8:19CV296

MEMORANDUM AND ORDER

This matter is before the Court on the Petitioner's Motion for Certificate of Appealability, Filing no. 35. Even though his application was filed in this Court, it is apparent upon review of the motion that Petitioner's request for a certificate of appealability is directed to the Eighth Circuit Court of Appeals where his appeal of this matter is currently pending. In any case, this Court previously denied Petitioner a certificate of appealability when it ruled on his Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. Mem. and Order, Filing no. 30. Accordingly,

IT IS ORDERED:

1. To the extent Petitioner seeks a certificate of appealability from this Court, his request, Filing no. 35, is denied as moot.
2. The Clerk of Court is directed to transmit the Petitioner's Motion for Certificate of Appealability, Filing no. 35, to the Eighth Circuit Court of Appeals as a supplement to Petitioner's Notice of Appeal, Filing nos. 34 and 36.

Dated this 9th day of March, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge